ArentFox Schiff LLP
Attorneys

Joshua R. More

PARTNER AND ENVIRONMENTAL PRACTICE CO-LEADER

Josh employs a strategic, forward-looking approach to solving complex environmental issues for his clients.



Industries

Energy & Cleantech

Practices

Complex Litigation
Environmental
Environmental, Social & Governance (ESG)

Education

Chicago-Kent College of Law, Illinois Institute of Technology, JD, with honors, 2000

University of Illinois at Urbana-Champaign, BS, 1996

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Josh stands apart from other environmental lawyers with his broad experience counseling clients on air, water and waste enforcement, permitting and compliance issues. When working with a client, he focuses on developing unique strategies that are tailored to each client's business objective.

Josh has litigated complex Clean Air Act issues, widespread groundwater contamination, noxious odors, and challenges to construction and operating permits before federal, state and local judicial bodies. In enforcement matters, Josh offers a practical and efficient approach that does not compromise his client's relationship with the regulator.

In transactional matters, Josh allocates risks in accordance with the broader objectives of the client. He has managed a wide variety of transactional matters involving environmental due diligence, insurance and risk management. While Josh has managed several large multi-state environmental reviews, he routinely advises clients in connection with single facility transactions.

For compliance issues, Josh employs a building block approach that starts with developing a strong understanding of the company's business, objectives and risk tolerance. He then applies his extensive experience addressing operational and remediation requirements that impact companies across the United States. Additionally, Josh provides day-to-day advice to electric generating, manufacturing, distribution, waste management, and natural gas transmission and distribution companies.

For Josh, effective environmental counseling begins with a comprehensive understanding of the clients' needs. He believes that, no matter how skilled the lawyer, effective resolutions require strong communication and a hard-earned foundation of trust.

Client Work

- Josh counsels multiple power generators in connection with more than 30 surface impoundments and landfills, assisting them with their compliance efforts relative to both state and federal coal combustion residual (CCR) programs.
- Secured dismissal of litigation seeking to hold a party liable for discharges to groundwater under the Clean Water Act. The decision was an important victory in cases where defendants face claims based upon discharges to groundwater and alleged violations of boilerplate NPDES permit

conditions.

- Trial counsel in Clean Air Act enforcement action brought under the New Source Review enforcement initiative.
- Successfully defended a RCRA citizen suit relating to the disposal and use of coal ash. The plaintiffs sought the immediate provision of a permanent water supply to an entire town and a substantial portion of the surrounding township, interim bottled water during the installation of the permanent water supply, a rigorous testing program, and attorney's fees. At the close of discovery, plaintiffs abandoned their claims and the sought-after relief, and settled the suit.
- Successfully defended a suit brought by 85 individuals alleging that the disposal and use of coal ash had created a public nuisance. The plaintiffs sought damages for emotional distress and diminution in property value, and the establishment of a medical monitoring fund.
- Filed litigation to secure access necessary for a client to remediate a site listed on the Federal NPL and subsequently secured summary judgment for the client.
- Secured dismissal of litigation after arguing the owner had blocked access to the site and obstructed the clean-up.
- Defended a lime manufacturing facility PSD construction permit in an appeal filed by the Sierra Club before the U.S. EPA Environmental Appeals Board alleging failure to establish best available control technology limits for PM2.5, failure to establish appropriate safety factors, and failure to utilize site-specific monitoring.
- Assists several companies with responding to administrative information requests issued under the Clean Air Act, Clean Water Act, and CERCLA.
- Assisted two major natural gas distribution pipeline companies with an investigation by the U.S. EPA and Illinois Attorney General into PCB Mega Rule compliance.
- Assisted numerous companies in connection with a variety of acquisitions and dispositions of companies ranging in value from $10 million to more than $500 million, including the acquisition and disposition of the industry leader in commercial tank and pump rental equipment, and the acquisition of one of the largest national remediation services contractors.

Professional Activities

Josh routinely represents indigent individuals concerning divorce proceedings and landlord/tenant issues.

Publications, Presentations & Recognitions

Publications

- "Warehouse and Logistics Operations Targeted by Regulatory Push for 'Indirect Source Rules' Targeting Vehicle Emissions," (co-author) Pratt's Energy Law Report, Vol. 24-6 (2024)
- "EPA regulates CCR from coal-fired power plants as solid waste," FierceEnergy (Jan. 27, 2015)
- "Defending a Resource Conservation and Recovery Act Citizen Suit," *Ash at Work* (2011)
- "Superfund Liability and Useful Product Defense in CCP Transactions," *Ash at Work* (2010)

Presentations

- "Coal Combustion Residual Surface Impoundments," 2019 Illinois Water Laws and Regulations Seminar, Naperville, Ill. (Nov. 5, 2019)
- "Legal and Regulatory Perspectives on Closure-In-Place vs Closure-By-Removal," Coal Combustion Products: Environmental Issues, EPRI, Chicago, Ill. (Sep. 17, 2019)
- "Regulations," (presenter) The World of Coal Ash, 2019 Short Course, St. Louis, Mo. (May 13, 2019)
- "Risk Management under the CCR Rule," 2019 Coal Combustion Residuals Conference, EUCI, Atlanta, Ga. (Mar. 12, 2019)
- "Energy Industry Perspective on Current and Likely Future Federal CCR Regulations and How

States Will Address Oversight and Compliance," American Groundwater Trust, Coal Combustion Residuals (CCR) Workshop, Atlanta, Ga. (Jan. 16, 2019)

- "Coal Combustion Residuals Conference 2018," EUCI, Louisville, Ky. (Apr. 24, 2018)
- "2018 Workshop on Current Issues in Ponded CCPs," American Coal Ash Association and UK Center for Applied Energy Research, Richmond, Va. (Mar. 20, 2018) "Citizen Enforcement of the CCR Rule: How Will Enforcement Actions Be Brought, and What Can You Do to Prepare for Them," (co-presenter) 2017 World of Coal Ash Conference Short Course, Lexington, Ky. (May 8, 2017)
- "Legal Update," (co-presenter) Midwest Environmental Compliance Conference (Nov. 2, 2016)
- "Trends in Environmental Law," 25th Annual Spring CLE Meeting, American Bar Association, Tort Trial & Insurance Practice Section, Phoenix, Ariz. (Apr. 2016)
- "Defending Against A RCRA Citizen Suit," American Coal Ash Association 2016 Winter Meeting, Tampa, Fla. (Feb. 3, 2016)
- "Update on Coal Ash Remediation Regulations," Third Annual Plant DDD: Managing the Power Plant Decommissioning, Decontamination & Demolition Process, Chicago, Ill. (May 15, 2014)
- "Legal Issues in Decommissioning: Dealing with Environmental and Real Property Obligations," Second Plant DDD Primer, Baltimore, Md. (Nov. 6, 2013)
- "Decommissioning Power Plants: Major Considerations," Electric Utilities Consultants, Inc.'s Fossil Fuel Generation Decommissioning Conference, Charlotte, NC, (Oct. 25, 2012)
- "Strategies in Closing Ash Ponds with Case Study," Electric Utilities Consultants, Inc.'s CCR Management Conference, Nashville, Tenn. (Feb. 28, 2012)
- "Case Study: The RCRA Citizen Suit '(a)(1)(B)' Claim," Chicago Bar Association Young Lawyers Section Environmental Law Committee (Jan. 26, 2012)
- "WASTE: What Is It Good For? Absolutely Nothing…" American Coal Ask Association's 2011 Fall Membership Meeting, Indianapolis, Ind. (Sep. 27, 2011)
- "Fly Ash Ponds and Ash Disposal Issues," McIlvaine Company Hot Topic Hour webinar (Jan. 13, 2011)
- "New EPA Coal Ash Rules: Understanding the Options," Environmental Law Institute, Washington, D.C. (Jun. 17, 2010)
- "New EPA Coal Ash Regulation: Change is Coming!" Schiff Hardin LLP and Conestoga-Rovers & Associates webinar (May 19, 2010)
- "USEPA Proposes Major Changes to the PCB Use Authorization: Is a Mandatory PCB Phase-Out Imminent?" Schiff Hardin LLP and Weston Solutions, Inc. webinar (May 6, 2010)
- "Public Nuisance Tort Litigation," 19th Annual Spring CLE Meeting, American Bar Association, Tort Trial & Insurance Practice Section, Phoenix, Ariz. (Apr. 10, 2010)
- "Liability in Coal Ash Management," American Coal Ash Association Winter Meeting 2010, Nashville, Tenn. (Mar. 17, 2010)

Recognitions

- *Chambers USA* – Environment: Litigation (2024-2026)
- The Best Lawyers in America, *Best Lawyers* (2021-2024)
- *The Legal 500 United States* – Energy Transactions: Conventional Power (2021-2023)
- Illinois Rising Star, Thomson Reuters' *Illinois Super Lawyers* (2012)

Bar Admissions

Illinois

Court Admissions

US Court of Appeals, District of Columbia Circuit
US District Court, Central District of Illinois
US District Court, Northern District of Illinois